

REMARKS

In accordance with the foregoing, claims 1 and 4-6 are amended. No new matter is added. Claims 1-7 are pending and under consideration.

NO INTERVIEW

The Examiner denied Applicant's representative request for an interview on March 30.

CLAIM REJECTIONS UNDER 35 U.S.C. §102

Claim 1-7 are rejected under 35 U.S.C. 102(e) as allegedly being anticipated by U.S. Patent Application Publication No. 2002/0188499 by Jenkins et al. (hereinafter "Jenkins").

In the Amendment filed on November 2, 2006, Applicants argued that the level in each stock-keeping unit (SKU) and planned arrival/orders of Jenkins does not anticipate the switching information recited in claim 1. In rejecting claim 1, the Office Action indicates switching information corresponding to "level of each SKU and planned arrivals/orders." According to paragraph [0039] of Jenkins, "the planning component 210 **determines** a level for each SKU. **Level zero** may consist of SKUs that have no destinations or parents. **Level one SKUs** are sources or subordinates that replenish SKUs at level zero. **The highest-numbered level** consists of source or subordinate SKUs that have no sources or subordinates," emphasis ours. The switching information is (1) not determiner by the planning component 210, and (2) does not have the meaning and use described in Jenkins. In contrast, "performing selectively one of a supply-demand planning per order and a supply-demand planning based on total amount of orders" does not depend on the SKU level of Jenkins.

Further, in the "Response to Arguments" section of the outstanding Office Action, the Examiner submits that Jenkins "[discloses] depending on data, the system uses one of two styles of aggregation forecast or inventory (¶¶ 0083-84), thus indeed disclosing performing selectively, depending upon the switching information, a supply-demand planning per order or a supply-demand planning based on total amount of order."¹ However, when discussing paragraphs [0083]-[0084] of Jenkins, the recited "switching information" is assimilated to "data" or as discussed in [0083] to "a membership factor". **Switching information cannot be the same time (1) level of each SKU and planned arrivals, (2) data, and (3) a membership factor.** Applicants disclose the intended meaning of the switching information in the specification (see, for example, FIG. 3 and the corresponding description). Picking and choosing words from the

prior art reference, without considering their meaning, leads to logical inconsistencies and does not rebut the Applicants' argument that Jenkins does not disclose the switching information.

Applicants amend the claims herewith, to more clearly distinguish the switching information as used in the claims, from the SKU disclosed by Jenkins.

That is, Jenkins does not anticipate "performing selectively one of a supply-demand planning per order and a supply-demand planning based on total amount of orders, depending upon switching information stored in correspondence to a base and an item in a table," as recited in claim 1.

Additionally, the cited two styles of aggregation forecast or inventory do not correspond to a supply-demand per order and a supply-demand planning based on total amount of order.

Applicants respectfully submit that Jenkins in the indicated portions or as a whole does not teach or suggest anything like the switching information as described and used in the claims, and, therefore, Applicants respectfully traverse and request reconsideration of the rejection based on Jenkins.² Claim 2 depending from claim 1 is also patentable at least by inheriting patentable features from independent claim 1.

Claim 3 patentably distinguishes over Jenkins at least by reciting "performing selectively, depending upon switching information stored in correspondence with a base and an item, a supply-demand planning per order or a supply-demand planning based on total amount of orders", since Jenkins does not teach the switching information.

Claim 4 patentably distinguishes over Jenkins at least by reciting "performing selectively, depending upon switching information stored in a table in correspondence with a base and an item, one of a supply-demand planning per order and a supply-demand planning based on total amount of orders," since Jenkins does not teach the switching information.

Claim 5 is also patentable over Jenkins at least by reciting "making the supply-demand planning for the whole supply chain by selectively using one of the procurement-driven planning and the manufacturing-driven planning based on switching information that is stored with a combination of a base and an item," since Jenkins does not teach the switching information.

Claims 6 and 7 are patentable at least because Jenkins does not anticipate "a table of orders, each order being directed to an item and an entity storing or producing the item within a

¹ See Office Action mailed January 23, 2007, Page 6, lines 1-4.

² See MPEP 2131: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," (Citations omitted) (emphasis added).

supply chain, and including switching information indicating one of a procurement-driven supply-demand planning and a manufacturing-driven supply-demand planning" and "a planning unit that generates a supply-demand plan according to one of the procurement-driven supply-demand planning and the manufacturing-driven supply-demand planning depending on the switching information," since Jenkins does not teach the switching information.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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